

The Examiner objects to the disclosure, stating that the paragraphs on pages 1 and 7 should be updated. Applicant has updated the specification in paragraph 1 to include the recitation of application number 08/815,361 and patent number 6,064,653. Applicant respectfully submits that amendment of paragraph 1 completes Applicant's updating requirements without need to amend paragraph 7 at this time. Applicant respectfully requests reconsideration.

35 USC § 102 Rejection

Claims 1,2 and 6-8 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,026,087A ("Mirashrafi et al"). The Examiner states that Mirashrafi discloses a method comprising determining the QoS, comparing the QoS with a predetermined threshold, and routing through the packet network if a quality level is exceed and routing through the PSTN if the threshold is not exceeded. Applicant respectfully traverses this rejection.

Mirashrafi generally discloses a method for establishing a voice call to a PSTN extension that utilizes a storage medium, such as a web server, that contains instructions for executing a push-to-talk feature. A user of a computer terminal, such as client 102, selects this feature through an interactive browser service connected to the web server. In response, a connection is established, via bridgeports 162 and 165, to establish the communication connection between the computer, brigeport 165, and the end receiver. Monitoring the quality of the packet network is only accomplished after this connection is established. And, if the quality level falls below an acceptable level, the Bridgeport 165 is still used to rout the call through the PSTN system. Accordingly, to initiate a voice call with the Mirashrafi

device and begin quality monitoring, one needs to log onto a web site, select the push-to-talk feature to establish a connection. As a result, the device is directed toward use of a computer to access a packet network such as the internet to place a voice call.

Contrarily, the present invention provides a more direct link between telephone services and the Internet without requiring a personal computer to establish the connection. Accordingly, the present invention provides internet modules connected to each of the central offices that respond to the placement of a voice telephone call to rout a voice telephone call through a public packet network and monitor the quality of that telephone call. This feature is readily depicted in Claim 1 as "in response to placement of a voice telephone call by a first one of said stations, determining quality of service of a public data packet network." This feature is further exemplified in Claim 2 by the recitation of entering a unique service code. The unique service code, such as *86, is dialed in to select the packet network as the routing means for the voice telephone call. Mirashrafi contrarily needs to be selected by a computer through a web server as it utilizes bridgeports and other devices to execute the packet network call and monitor its quality. It is not responsive to a placement of a voice telephone call as is the present invention as exemplified by Claim 1. Accordingly, as the present invention provides connection to a packet network responsive to placement of a voice call, Applicant respectfully submits that Claim 1 and all claims depending therefrom are in a condition for allowance.

35 USC §103 Rejection

The Examiner rejects Claims 4-5, 9-20 under 35 USC §103 as being unpatentable over Mirashrafi in view of Farris. Applicant respectfully traverses this rejection. First, as

stated in the response dated September 24, 2001, incorporated herein, Ferris fails to constitute prior art under 35 USC 102(e). In pertinent part, the September 24 response states:

In this case, the present application meets all of the requirements of MPEP § 2136.05: (1) the '653 [Ferris] patent was first filed (January 7, 1997) by sole inventor Farris; (2) the present application was later filed (March 19, 1997) as a joint application by Farris along with co-inventors Curry and Voit; and (3) the present joint application is explicitly referenced and described in the earlier-filed '653 patent (at col. 4, lines 11-32). Thus, the '653 patent is not a proper anticipating reference under 35 U.S.C. § 102(e). Withdrawal of the rejection is therefore respectfully requested.

Moreover, Ferris fails to constitute prior art under any other section of 102. Accordingly, it cannot be used as the basis for a rejection under 35 USC 103. Therefore, Applicant respectfully requests the Examiner to withdraw this rejection. Additionally, for the reasons set forth in the previous section, Applicant respectfully submits that Claims 4-5, 9-20 are in a condition for allowance.

CONCLUSION

For at least the above reasons, Applicants respectfully submits that the present invention, as claimed, is patentable over the prior art. If the Examiner has any issues which he believes can be expedited by a telephone conference, he is encouraged to telephone the undersigned Representative.

It is believed that any additional fees due with respect to the filing of this paper should be identified in any accompanying transmittal. However, if any additional fees are required in connection with the filing of this paper that are not identified in any accompanying

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AMENDMENT

transmittal, permission is given to charge Deposit Account 18-0013 in the name of Rader, Fishman & Grauer PLLC.

Respectfully submitted,

Dated: October 16, 2002

By: 

Joseph V. Coppola, Reg. No. 33,373
Michael R. Bascobert, Reg. No. 44,525
Rader, Fishman & Grauer PLLC
39533 Woodward Avenue, Suite 140
Bloomfield Hills, Michigan 48304
Customer No. 010291

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MARKED-UP SPECIFICATION

IN THE SPECIFICATION

On Page 1, Paragraph 1:

This application is related to U.S. Patent No. 5,790,548, entitled Universal Access Multimedia Network, issued August 4, 1998, application Serial No. 08/634,543, entitled Internet Telephone Service, filed April 18, 1996 and U.S. Patent No. 6,069,890, entitled Internet Telephone System, issued May 30, 2000[.]; U.S. Patent No. 6,064,653, filed January 7, 1997, and entitled Internetwork Gateway To Gateway Alternative Communication, and patent application no. 08/815,361. The specification of the application and patents are incorporated herein by reference in their entirety.

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